1 KAMALA D. HARRIS Attorney General of California 2 DIANN ŠOKOLOFF Supervising Deputy Attorney General 3 KIM M. SETTLES Deputy Attorney General 4 State Bar No. 116945 1515 Clay Street, 20th Floor 5 P.O. Box 70550 Oakland, CA 94612-0550 6 Telephone: (510) 622-2138 Facsimile: (510) 622-2270 7 Attorneys for Complainant BEFORE THE 8 **BOARD OF REGISTERED NURSING** 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 Case No. 30/3-676 11 In the Matter of the Accusation Against: 12 ACCUSATION LA TOYA DENISE CAMPBELL 10368 Montrachet Drive 13 Baton Rouge, LA 70817 14 Registered Nurse License No. 806706 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of 20 21 Consumer Affairs. On or about September 20, 2011, the California Board of Registered Nursing issued 22 Registered Nurse License Number 806706 to La Toya Denise Campbell (Respondent). The 23 Registered Nurse License was in full force and effect at all times relevant to the charges brought 24 25 in this Accusation and will expire on August 31, 2013, unless renewed. 26 /// 27 /// 28 /// 1

Accusation

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This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

JURISDICTION

- Section 2750 of the Business and Professions Code ("Code") provides, in pertinent 4. part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY/REGULATORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."
 - California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

- 10. "<u>Total Parenteral Nutrition</u>" (TPN) is an intravenous nutrient supplement containing a nutritionally adequate hypertonic solution consisting of glucose, protein hydrolysates, mineral, and vitamins, that is premixed specifically for a patient. It is administered through an indwelling catheter into the superior vena cava or other main vein. The procedure is used when feeding by mouth cannot provide an adequate amount of essential nutrients.
- 11. "GlucernaR 1.2. Cal" is a medical nutritional product specifically designed to be used with an enteral delivery system (tube feeding). It is a calorically dense formula consisting of carbohydrate blend and fish oil. It is dispensed in a ready-to-hang prefilled enteral feeding container which includes the precaution "Not for IV use" written twice in red bold letters. It is a dangerous drug pursuant to California Business and Professions Code section 4022.

CAUSE FOR DISCIPLINE

(Gross Negligence)

- 12. Respondent was employed as a registered nurse by an Alabama based company and was hired as a replacement worker to work as a registered nurse at Alta Bates Summit Medical Center (ABSMC) in Oakland, California, during a five-day employee lock-out.
- 13. Respondent has subjected her license to disciplinary action under Code section 2761, subdivision (a)(1) on the grounds of gross negligence in that on or between September 23, 2011, and September 24, 2011, while employed as a (replacement) registered nurse on the oncology unit at ABSMC, Respondent incorrectly administered the wrong medication through the wrong route, causing a patient death, as described below:

- On September 23, 2011, Respondent was assigned to care for Patient J.M.¹, a sixty-six year old female patient who was hospitalized for complications related to uterine cancer. The patient had a physician's order for TPN to be administered intravenously. Respondent's initials appeared next to the physician's order. Respondent admitted that she did not administer the TPN to the patient.
- On September 23, 2011, at approximately 8:45 p.m., Respondent admitted that В. she assembled the GlucernaR 1.2 Cal bottle, initialed the bottle, and attached it to the patient's intravenous pole and infusion pump. There was no physician's order for the GlucernaR 1.2 Cal. The words, "Not for IV use" were written twice in bold red letters on the label.
- C. On September 24, 2011, at approximately 12:35 a.m., the patient was found unresponsive in her bed. Life saving measures were initiated, however the patient was pronounced dead at 12:53 a.m. The cause of death is listed as "widespread pulmonary embolization of foreign solid material" and "intravenous infusion of nutritional supplement meant for oral or gastric tube feeding."

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 806706, issued to La Toya Denise Campbell.
- Ordering La Toya Denise Campbell to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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¹ The patient's name will be released to Respondent pursuant to a request for discovery.

1	3. Taking such other and further action as deemed necessary and proper.
2	DATED: February 20, 2013 State Ben
3	LOUISE R. BAILEY, M.ED., RN Executive Officer Resolution of Resistant Number 1
4	Board of Registered Nursing Department of Consumer Affairs State of California
5	Complainant
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Accusation